

REMARKS

Claims 1-3 are currently pending in the application. Applicants have moved the elements of claims 2 and 3 into independent claim 1. Applicants request reconsideration of the application in light of the following remarks.

Restriction Requirement

Applicants affirm the provisional election of Species I through generic claims 1-3. In this response, the elements of generic claims 2-3 have been added to generic claim 1 resulting in a new generic claim 1 that still covers all species. Although the structure of species I is being examined through this application, it should be noted that the function and operation of each of Species I, II and III is the same in all relevant respects to the generic claim 1 elements.

Objections to Claims

The Examiner has objected to claim 1 for having a misplaced hyphen. Applicant has amended claim 1 as suggested by the Examiner. Applicants respectfully request that the objections to claim 1 be withdrawn.

Rejections under 35 U.S.C. 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Weber (U.S. Patent No. 2,167,192, hereinafter “Weber”). The elements of claim 2 were incorporated into independent claim 1 and claim 2 was canceled thus obviating the rejection of claim 2. Applicants respectfully traverse the rejection of claim 1 and request reconsideration.

Independent claim 1 recites, and has always recited, “a locking part ... provided at a corner of the panel body between the outer interlocking folds or the inner interlocking folds while **diagonally extending on a same plane as that of the panel body**” (bold emphasis added). Weber, as illustrated by FIG. 5 of Weber, uses a plurality of folds between its main body 10 (see FIGs. 1 and 5) and its “nailing platform 32.” This plurality of folds results in a gap between the nailing platform portion of the main body 10 (seen on the left of FIG. 5) and a second portion of the main body 10 (seen on the right of FIG. 5) so that they are not on the same plane and the nailing platform 32 (or “locking part” as used in the presently pending claims) does not diagonally extend on a same plane as that of the panel body 10. FIG. 5 illustrates two separate folds raising the nailing platform above the plane of the main body 10 (from FIG. 1) as a result of the interlocking folds 26, 27 and 28 of Weber. This structural difference results in two primary differences between the claimed invention and that disclosed in Weber. First, the additional folds decrease productivity of making the product and increase manufacturing cost and tooling time. Second, and more importantly, the gap between the nailing platform 32 and the main body 10 caused by the folds lowers the stability of the panel being mounted because of the gap.

Because Weber does not disclose a locking part provided at a corner of the panel body between the outer interlocking folds or the inner interlocking folds while diagonally extending on a same plane as that of the panel body, Weber does not anticipate every element of claim 1.

With regard to the “backflow prevention cap” element that was in dependent claim 2 and is now amended and added in independent claim 1, claim 1 recites:

“a backflow prevention cap coupled beneath the outer interlocking folds, the backflow prevention cap comprising a gap therein sized and shaped to receive the inner interlocking fold of a neighboring panel to guide water to the panel body”

The Weber “vertical panel 18” and “triangular lock lip 19” are not a “backflow prevention cap comprising a gap therein sized and shaped to receive the inner interlocking

fold of a neighboring panel.” Rather, Weber’s triangular lock lip 19 is merely the bottom side of an adjacent panel folded upward to extend under the overlocking flanges of an adjacent panel. As a result, the lock lip 19 would not prevent the backflow of water driven by wind into the gaps defined between the outer interlocking fold and the inner interlocking fold corresponding to the outer interlocking fold as recited in claim 1. Water driven by wind into the gaps between the folds of Weber (see Weber FIGs. 2 and 3 for illustration of triangular lock lip 19 and folds 30) would not be stopped by any backflow prevention cap, but rather would continue to the surface beneath the panels around the edges of the triangular lock lip 19 under the folds. The gap within the backflow prevention cap of claim 1 catches and stops any water being blown into the folds. Accordingly, Weber further does not disclose every element of claim 1.

Applicants respectfully request that the anticipation rejections of claim 1 be withdrawn.

Rejections under 35 U.S.C. 103

To establish a *prima facie* case of obviousness under 35 U.S.C. 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants’ disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP 2143.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in light of Lelli et al. (U.S. Patent No. 6,617,386, hereinafter “Lelli”). The elements of claim 3 were incorporated into claim 1, thus obviating the rejection of claim 3. The allowability of claim 1 has already been discussed above.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is requested that a two-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$225.00 is enclosed herewith.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 50-3545. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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By */Kenneth C. Booth/*_____

Kenneth C. Booth
Reg. No. 42,342

BOOTH UDALL, PLC

1155 W. Rio Salado Pkwy., Ste. 101
Tempe, AZ 85281
480.830.2700
480.830.2717 fax
kbooth@BoothUdall.com